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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

LABOUR, SKILL DEVELOPMENT AND EMPLOYMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 1st July, 2025.

GUJARAT ORDINANCE NO. 2 OF 2025.

AN ORDINANCE

further to amend the Factories Act, 1948 in its application to the State of Gujarat.

LXIII of 1948.

WHEREAS due to extraordinary situation has arisen out of National importance from the provision of clause (k) of sub-section (2) of section 64 of the Factories Act, 1948, the State Government desires to grant relaxation to the factories to boost economic activities, attract investment in national importance to new projects and generate employment;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

LXIII of 1948.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Factories Act, 1948 in its application to the State of Gujarat;

AND WHEREAS instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

1. ***Short title and commencement.-*** (1) This Ordinance may be called the Factories (Gujarat Amendment) Ordinance, 2025.

(2) It shall come into force at once.

2. ***LXIII of 1948 to be temporarily amended.-*** During the period of operation of this Ordinance, the Factories Act, 1948 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 8. **LXIII of 1948.**

3. ***Amendment of section 54 of LXIII of 1948.-*** In the principal Act, existing section 54 shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-

"(2) Notwithstanding anything contained in sub-section (1), the State Government may by notification in the *Official Gazette*, extend the daily maximum hours of work specified in this section up to twelve hours inclusive of interval for rest in any day, subject to a maximum of forty-eight hours in any week as specified in section 51, in respect of any group or class or description of factories on such conditions as it may deem expedient, subject to the written consent of such worker for such work, and the remaining days of the said week for the worker shall be paid holidays.".

4. ***Amendment of section 55 of LXIII of 1948.-*** In the principal Act, in section 55, after sub-section (2), the following sub-section shall be added, namely:-

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may by notification in the *Official Gazette*, extend the total number of hours of work of a worker without an interval to six hours in respect of any group or class or description of factories on such conditions as it may deem expedient due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.".

5. ***Amendment of section 56 of LXIII of 1948.-*** In the principal Act, existing section 56 shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-

"(2) Notwithstanding anything contained in sub-section (1), the State Government may by notification in the *Official Gazette,* increase the spread over up to 12 hours inclusive of his intervals for rest in respect of any group or class or description of factories on such conditions as it may deem expedient, due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.".

6. ***Amendment of section 59 of LXIII of 1948.-*** In the principal Act, in section 59, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Where a worker works in any factory,-

(i) for more than nine hours in any day or for more than forty eight hours in any week, working for six days in any week;

(ii) for more than ten hours in any day or for more than forty eight hours in any week, working for five days in any week;

(iii) for more than eleven and a half hours in any day working for four days in any week, or works on paid holidays,

he shall in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.".

7. ***Amendment of section 65 of LXIII of 1948.-*** In the principal Act, in section 65, in sub-section (3),-

(i) in clause (iv), for the words "seventy-five", the words "one hundred and twenty-five" shall be substituted;

(ii) after clause (iv), the following clause shall be added, namely:-

"(v) a worker may be required to work for overtime subject to the written consent of such worker for such work.".

8. ***Amendment in section 66 of LXIII of 1948.-*** In the principal Act, in section 66, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The provisions of this Chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely:-

(a) no woman shall be required or allowed to work in any factory except between the hours of 6 A.M. to 7 P.M:

Provided further that the State Government may by notification in *Official Gazette*, exempt in respect of any factory or group or class or description of any factory between the hours of 7 P.M to 6 A.M subject to the following conditions, namely:-

(i) It shall be the duty of the employer or other responsible persons at the work places to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, statement or prosecutions of acts of sexual harassment by taking all steps required;

(ii) Express prohibition of sexual harassment in any form such as unwelcome sexually determined behaviour either directly or by implication or advances or contact to gain contact or demand sexual favours or make sexually coloured remarks or showing pornography or any other unwelcome physic, verbal or non-verbal contact of sexual nature;

(iii) Provide appropriate working conditions in respect of works, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment;

(iv) The employer shall maintain a complaint redressal mechanism in the factory itself and the said mechanism shall ensure time-bound treatment of complaint. Such mechanism shall provide, when necessary a Complaint Committee, a special counsellor or other support services including the maintenance of confidentiality;

(v) The female employees shall be allowed to raise issues of sexual harassment to workers in the workers meeting and other appropriate forums;

(vi) The employer shall provide proper lighting and CCTV coverage not only inside the factory, but also surrounding of the factory and to all places where the female workers may move out of necessity in the course of work. CCTV coverage shall be storage for not less than forty five days;

(vii) The employer shall see that the women workers are employed in a batch not less than ten;

(viii) Sufficient women security shall be provided during the night shift at the entry as well as exit point;

(ix) Sufficient number of rest rooms shall be provided for the female workers to arrive in advance and also leave after the working hours;

(x) The employer shall provide transportation facility to the women workers from their residence and back (for night shift) and security guards (including female security guard) and each transportation vehicle shall also be equipped with CCTV camera and GPS;

(xi) During night shift not less than 1/3rd of strength of the supervisor shift-in-charge or foreman or other supervisory staff shall be women;

(xii) There shall be not less than twelve consecutive hours of rest or gap between the last shifts and the night shift wherever a women worker is changed from day shift to night shift and so also from night shift to day shift;

(xiii) The establishment shall obtain Bio-data of each driver and conduct pre-employment screening of the antecedents of all drivers employed on their own. As regards the driver employed through outsourcing, the company shall ensure to its satisfaction that the collection of Bio-data and conduct pre-employment screening of the antecedents of the drivers is carried out by the service provider;

(xiv) The telephone number, particularly mobile phone numbers email ID and address of the women employees shall not be disclosed to unauthorised persons;

(xv) Careful selection of routes shall be made in such a way that no women employees shall be picked up first and dropped last; and

(xvi) It shall not be made compulsory or obligatory for any women worker to work in night shifts. Written consent shall be obtained from the women workers who are interested to work in night shifts.

(xvii) Any other condition(s) as may be prescribed by the State Government in the interest of women safety.

(b) There shall be no change of shifts except after a weekly holiday or any other holiday.”.

STATEMENT

It is considered necessary to amend the Factories Act, 1948 (Central Act 63 of 1948) in its application to the State of Gujarat to,-

(i) allow the State Government to increase the number of hours of work from the existing nine hours up to twelve hours inclusive of rest intervals in any day subject to maximum of 48 hours in any week, to create more economic activities and employment opportunities.

(ii) allow the State Government to extend the total number of hours of work by a worker without an interval to six hours to any group or class or description of factories to facilitate the increase in the daily maximum hours of work due to provisions of flexibility in working hours.

(iii) allow the State Government to prescribe the hours of work in any day or in any week above which wages at the rate of twice the rate of ordinary in respect of overtime work is payable to worker in respect of overtime work.

(iv) allow the factories to engage workers on overtime for an increased period of time in a quarter to deal with exceptional press of work.

(v) enable the employment of woman workers on overtime work, providing for equality and equal opportunity to work and earn, and also to enable employment of woman round the clock subject to the conditions to secure safety and health of the woman workers working in night shifts, upon obtaining written consent from the woman workers who are interested to work in night shifts.

As the Legislative Assembly of the State of Gujarat is not in session, the Factories (Gujarat Amendment) Ordinance, 2025 is promulgated to amend the said Central Act to achieve the aforesaid objects.

Gandhinagar. **ACHARYA DEVVRAT,**

Dated the 30th June, 2025. Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

DR. VINOD RAO,

Principal Secretary to Government.

Signature Not Verified
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